

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAERED ANDREWS, COREY D. CLARK,
JACOB JOHN SMALLEY, DONNIE WILLIAMS,
TERRELL BRITTENUM, DERRELL BRITTENUM,
THOMAS DANIELS, AKRON WATSON,
JU'NOT JOYNER, CHRIS GOLIGHTLY,

Plaintiffs,

- against -

FREEMANTLEMEDIA N.A., INC.,
AMERICAN IDOL PRODUCTIONS, INC.,
19 ENTERTAINMENT LTD., CORE MEDIA
GROUP, INC., 21ST CENTURY FOX, INC.,
FOX BROADCASTING COMPANY, INC.,
NIGEL LYTHGOE, KEN WARWICK,
FORD MOTOR COMPANY, INC.,
COCA-COLA COMPANY, INC.,
AT&T,

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>01/27/2014</u>

O R D E R

13 Civ. 5174 (NRB)

In a letter to the Court dated November 27, 2013, plaintiffs requested leave to file an amended complaint pursuant to Fed. R. Civ. P. 15, and defendants opposed this request. We believe that plaintiffs do not have a right under Rule 15(a)(1)(B) to file an amended complaint as a matter of course. The twin purposes of this rule were already served when the Court permitted plaintiffs to file the amended complaint dated November 12, 2013 (stylized as the "Abbreviated Complaint"). First, the so-called Abbreviated Complaint satisfied plaintiffs' right to amend their "pleading once as a matter of course."


Second, because plaintiffs filed the Abbreviated Complaint in direct response to defendants' positions with respect to the deficiencies in plaintiffs' complaint, presented both orally and in writing, plaintiffs clearly had, as a practical matter, an opportunity to "amend[] to meet the arguments in the [defendants'] motion." Fed. R. Civ. P. 15 advisory committee's note, 2009 Amendments.

Nonetheless, out of an abundance of caution, we grant plaintiffs leave to file an additional amended complaint. This amended complaint is to be denominated as the "Third Amended Complaint," and is to be filed by February 14, 2014. This will be the final time that plaintiffs are granted leave to amend their complaint.

Finally, while we recognize that defendants filed their motion to dismiss the Abbreviated Complaint in good faith and that this ruling may impose an additional burden on them, we are hopeful that this burden will be mitigated by computer technology.

SO ORDERED.

Dated: New York, New York
January 24, 2014


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE